

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: A. Chet McQuaide, *et al.*  
Serial No.: 10/090,180  
Filed: March 4, 2002  
For: CREDIT CARD MESSENGER

Group Art Unit: 3694  
Examiner: I. Jung Liu  
Confirmation No.: 4756

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**APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37**

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" mailed August 19, 2009. The present Appeal Brief is being filed in response to the Final Office Action mailed May 28, 2009, an Advisory Action mailed September 24, 2009, and a Notice of Panel Decision from Pre-Appeal Brief Review mailed September 25, 2009.

**Real Party In Interest**

The real party in interest is AT&T Intellectual Property I, L.P., by transfer of ownership from AT&T Delaware Intellectual Property, Inc., formerly known as BellSouth Intellectual Property Corporation.

**Related Appeals and Interferences**

Appellants are aware of no appeals or interferences that would be affected by the present appeal.

**Status of Claims**

Appellants appeal the rejection of Claims 1, 2, 6-11, and 13-18 as set forth in the final Office Action of May 28, 2009 (hereinafter "Final Action"). Claims 1, 2, 6-11, and 13-18 remain pending as of the filing date of this Brief, are the subject of the present appeal, and stand rejected at least twice. Claims 3-5, and 12 are canceled as of the filing date of this Brief. The attached Appendix A presents the pending claims as they currently stand, as well as the corresponding status of each of the pending claims.

### **Status of Amendments**

No claim amendment has been entered in the present case in response to the Final Action. Appellants submitted claim amendments for independent Claims 1, 10 and 18 to overcome the rejections under §112 set forth in the Final Action in an Amendment filed concurrently with Appellants' Reasons In Support of Applicants' Pre-Appeal Brief Request for Review. However, in the Advisory Action mailed September 24, 2009, the amendments were not entered on the grounds that the amendments allegedly raised new issues that would require further consideration and/or search.

### **Summary of the Claimed Subject Matter**

The present application includes systems and methods for allowing subscribers to a wireless web access service to receive unsolicited messages regarding important changes to their credit card or other line of credit status to eliminate the possibility of an embarrassing situation when attempting to purchase goods or services with a credit card over its limit or one that is temporarily suspended. For embodiments of the present invention as recited in independent Claim 1, a credit alert system (5, Fig. 1) includes a wireless subscriber account server (25, Fig. 1) for receiving a credit card alert from a credit card account database (40, Fig. 1) regarding at least one of available credit and credit status for a credit card account. (Specification, paragraphs [0012] - [0016].) The credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account. ( Firewall 60, Fig. 1; and the need for credit card application module 45.) The credit card alert is unsolicited by the person associated with the credit card account. (Specification, paragraphs [0005] and [0019].)

The credit alert system includes a wireless subscriber account database (30, Fig. 1) in communication with the wireless subscriber account server (25, Fig. 1) for storing wireless subscriber account information. (Specification, paragraph [0016].) The credit alert system includes an application module (45, Fig. 1) in communication with the wireless subscriber account server (25, Fig. 1) for comparing information

contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database (30, Fig. 1) to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device (10, Fig. 1) of a subscriber in response to receiving the unsolicited credit card alert from the credit card account database (40, Fig. 1). (Specification, paragraph [0017].)

The credit alert system also includes a Wireless Application Protocol (WAP) push proxy gateway (20, Fig. 1) in communication with the wireless subscriber account server (25, Fig. 1) that sends the message to the wireless device (10, Fig. 1) of the subscriber using an available mobile network service. (Specification, paragraphs [0018] and [0020].)

For embodiments of the present invention as recited in independent Claim 10, a method for alerting a wireless device regarding a credit card account comprises receiving (120, Fig. 2A) a credit card alert from a credit card account database (40, Fig. 1) at an application module (45, Fig. 1) in communication with a wireless subscriber account database (30, Fig. 1). The credit card account database (40, Fig. 1) does not have or have access to wireless subscriber account information for a person associated with the credit card account (Specification, paragraph [0016]; Firewall 60, Fig. 1; why credit card application module 45 is necessary), and the credit card alert is unsolicited by the person associated with the credit card account. (Specification, paragraph [0005].) The method also includes matching the alert to a wireless subscriber's account by comparing information contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database; generating a message relating to the credit card account; and pushing the message to the wireless device of the wireless subscriber via a WAP enabled push proxy gateway that sends the message using an available network service. (Specification, paragraphs [0006], [0019] and [0020]; Steps 130-140, Fig. 2B.)

For embodiments of the present invention as recited in independent Claim 10, a system for alerting a wireless device regarding a credit card account comprises means (25, Fig. 1) for receiving a credit card alert from a credit card account database

(40, Fig. 1). The credit card account database (40, Fig. 1) does not have or have access to wireless subscriber account information for a person associated with the credit card account (Specification, paragraph [0016]; Firewall 60, Fig. 1; why credit card application module 45 is necessary), and the credit card alert is unsolicited by the person associated with the credit card account. (Specification, paragraph [0005].) The system includes means for matching (45, Fig. 1) the unsolicited credit card alert to a wireless subscriber's account; means for generating (45, Fig. 1) a message relating to the credit card account; and means for pushing the (45, Fig. 1) message to the wireless device of the wireless subscriber via a WAP enabled push proxy gateway (20, Fig. 1) that sends the message using an available network service.

### **Grounds of Rejection to be Reviewed on Appeal**

1. Are Claims 1, 7, 10 and 18 properly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,006,994 to Campbell et al. (Campbell) in view of U.S. Patent Application Publication No. 2001/0049636 to Hudda et al. (Hudda), in view of U.S. Patent No. 3,868,057 to Chavez, in view of U.S. Patent Application Publication No. 2002/0186845 to Dutta et al. (Dutta), in view of Official Notice (as evidenced by U.S. Patent No. 5,614,703 to Martin et al. (Martin)), and further in view of U.S. Patent Application Publication No. 2002/0161701 to Warmack? (Final Office Action, page 3.)
2. Are Claims 2-6, 8-9 and 11, and 13-16 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell, Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack? (Final Office Action, page 6.)
3. Is Claim 17 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell, Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack? (Final Office Action, page 9)

### **Argument**

#### **1. The Rejection of Claims 1, 7, 10 and 18**

Claims 1, 7, 10 and 18 stand rejected as allegedly being obvious under 35 U.S.C. §103. A determination under §103 that an invention would have been obvious

to someone of ordinary skill in the art is a conclusion of law based on fact. *Panduit Corp. v. Dennison Mfg. Co.* 810 F.2d 1593, 1 U.S.P.Q.2d 1593 (Fed. Cir. 1987), *cert. denied*, 107 S.Ct. 2187. After the involved facts are determined, the decision maker must then make the legal determination of whether the claimed invention as a whole would have been obvious to a person having ordinary skill in the art at the time the invention was unknown, and just before it was made. *Id.* at 1596. The United States Patent and Trademark Office (USPTO) has the initial burden under §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the prior art reference or references, when combined, must teach or suggest all the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 550 U. S. 1, 15 (2007). A corollary principle is that, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be unobvious. *Id.* at 12. If a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Id.* at 13. A Court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 13. When it is necessary for a Court to look at interrelated teachings of multiple patents, the Court must determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *Id.* at 14.

Appellants respectfully submit that the pending independent claims are patentable over the cited references for at least the reasons that the cited references do

not disclose or suggest each of the recitations of the independent claims. The patentability of the pending claims is discussed in detail hereinafter.

**A. Claim 1 is patentable**

Claims 1, 7, 10 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Campbell in view of Hudda, Chavez, Dutta, Martin, and Warmack. (Final Office Action, page 3). Appellants respectfully submit that Claim 1 is patentable for at least the reason that Campbell, Hudda, Chavez, Dutta, Martin, and Warmack, alone or in combination, do not disclose or suggest several of the recitations therein. For example, Claim 1 recites a credit alert system, comprising:

a wireless subscriber account server for receiving a credit card alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, *wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account, wherein the credit card alert is unsolicited by the person associated with the credit card account;*

a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information;

an application module in communication with the wireless subscriber account server for *comparing information contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account* and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert from the credit card account database; and

*a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends the message to the wireless device of the subscriber using a mobile network service.*

The primary reference, Campbell, describes an automated receivables management system that uses an electronic network to provide a self-service collection environment using an electronic network, such as the Internet or PCS, as a medium for communication and transaction execution. The Campbell system provides comprehensive collections services in a fully automated fashion, including

account decisioning, treatment specification, communication channel specification, and communication to the customer with a method for payment/response from the customer using the electronic channel. Campbell specifically states that "the present invention provides the ability to e-mail or otherwise electronically send a notice to the delinquent, overlimit or special status customer." (Col. 8, Lines 7-11). Thus, the Campbell system *already has a customer's contact information*. The Campbell system has no need for a separate server or application module to determine how to contact a customer. Specifically, Campbell has no need for a wireless subscriber account database, a wireless subscriber account server, or an application module in communication with the wireless subscriber account server for "*comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert* from the credit card account database", as recited in Claim 1. Moreover, Campbell fails to teach or suggest a "*Wireless Application Protocol (WAP) push proxy gateway* in communication with the wireless subscriber account server *that sends the message to the wireless device of the subscriber using a mobile network bearer service*", as recited in Claim 1.

The credit card alert system recited in Claim 1 is utilized by credit card companies that *do not know or have access to a customer's wireless device information*. Moreover, unlike the Campbell system, the credit card alert system recited in Claim 1 cannot send a message directly to a customer's wireless device. As recited in independent Claim 1, Appellants' credit alert system utilizes a wireless subscriber account server for receiving an *unsolicited* credit card alert from a credit card account database, *wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account*. A wireless subscriber account database that stores wireless subscriber account information is in communication with the wireless subscriber account server. An application module is in communication with the wireless

subscriber account server for *comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account* and for *preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert* from the credit card account database. A WAP push proxy gateway sends the message to the wireless device of the subscriber using a mobile network bearer service.

One skilled in the art would not be motivated to modify the Campbell system to include the recitations of Claim 1 since the Campbell system *already has a customer's contact information*. There would be no need to modify Campbell since the Campbell system already knows how to contact customers. As such, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack is improper. Moreover, even if the teachings of Campbell were combined with those of Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack, as suggested by the Final Action, the resultant combination would still lack Appellants' variously claimed features relating to a credit card account.

The five secondary references appear to be the result of "keyword" searches seeking to find various recited elements of Appellants' independent Claim 1. The Final Action is engaged in a hypothetical re-design of the Campbell system in an attempt to reconstruct independent Claim 1 of this application using Appellants' independent Claim 1 as a roadmap. However, in doing so, the Final Action has engaged in exactly the kind of impermissible hindsight that was recently condemned by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, et al., 550 U.S. 1 (2007).

Hudda describes a system for purchasing goods and services in a wireless fashion while the consumer is in-store at a retailer's establishment or remotely through wireless interaction with the retailer. (Hudda, Para. 0056). Hudda is silent with respect to a system for purchasing goods and services that allows consumers to receive *unsolicited credit card* messages regarding important changes to their credit card or other line of credit status. Moreover, Hudda fails to teach or suggest an



application module in communication with a wireless subscriber account server for *"comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert from the credit card account database"*, as recited in Claim 1.

Chavez describes a credit card and credit card verifier device. Chavez has nothing to do with allowing consumers to receive unsolicited credit card messages regarding important changes to their credit card or other line of credit status. The Campbell system already has a customer's contact information. There is no motivation to modify Campbell to come up with another way of determining how to contact customers since the Campbell system already knows how to contact them. There certainly is no motivation provided by the credit card and card verifier device of Chavez to modify Campbell.

Dutta describes remotely disabling and enabling access to secure transaction functions of a mobile terminal. A service enables a user to block access to the payment and user authentication functions in the security element of a phone or other type of mobile terminal by sending a radio message, such as a wireless application protocol (WAP) push message. (Dutta, Abstract). However, Dutta has absolutely nothing to do with allowing consumers to receive unsolicited credit card messages regarding important changes to their credit card or other line of credit status. The mere fact that Dutta uses the term "WAP push message" does not provide motivation to modify Campbell to come up with another way of determining how to contact customers that the Campbell system already knows how to contact.

The Final Action cites Martin as evidencing Official Notice that "wherein database does not have or have access to account information for person associated with credit card account and comparing information contained in the credit card alert to subscriber information contained in the wireless database features is old and well known in the credit card industry to ensure security of the customer information." (Final Action, page 5). Martin describes a hotel check-in system that is merely a

credit card verification system. *Nothing in Martin teaches or suggests a credit card service wanting to send an alert to a credit card owner.* The Martin hotel check-in system merely verifies the validity of a credit card inserted by a user. However, this certainly does not lead one skilled in the art to arrive at Appellants' claimed subject matter. Martin does not teach or suggest an application module in communication with a wireless subscriber account server for "*comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert* from the credit card account database", as recited in Claim 1.

Warmack describes a system for notifying credit card owners of any suspicious and/or all purchases/debits. However, the Warmack system *has a customer's contact information*, such as cell phone number (See, para. [0051]). The Warmack system has no need for a separate server or application module to determine how to contact a customer.

Thus, Campbell, Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack, alone or in combination, do not disclose or suggest several of the recitations of Claim 1. Accordingly, Appellants submit that Claim 1 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack for at least these reasons and respectfully requests that the rejection thereof be withdrawn. Appellants request reversal of the rejection of Claim 1 for at least these reasons.

**B. Claim 7 is patentable**

Dependent Claim 7 is patentable at least per the patentability of independent Claim 1, from which it depends. As such, Appellants respectfully request that the rejection of dependent Claim 7 be reversed for at least these reasons.

**C. Claim 10 is patentable**

Appellants respectfully submit that independent Claim 10 includes similar recitations as Claim 1 and is patentable for at least the reasons discussed above

regarding Claim 1. As such, Appellants respectfully request that the rejection of dependent Claim 7 be reversed for at least these reasons.

**D. Claim 18 is patentable**

Appellants respectfully submit that independent Claim 18 includes similar recitations as Claim 1 and is patentable for at least the reasons discussed above regarding Claim 1. As such, Appellants respectfully request that the rejection of dependent Claim 18 be reversed for at least these reasons.

**2. The Rejection of Claims 2, 6, 8-9, 11 and 13-16**

Claims 2-6, 8-9 and 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack.

**A. Claims 2-6 and 8-9 are patentable**

Dependent Claims 2-6 and 8-9 are patentable at least per the patentability of independent Claim 1, from which they depend. As such, Appellants respectfully request that the rejection of dependent Claims 2-6 and 8-9 be reversed for at least these reasons. However, Appellants submit that several of these dependent claims also contain separate bases of patentability.

For example, with respect to dependent Claim 2, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a

subscriber in response to receiving an alert from the credit card account database. As such, Claim 2 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 2 be reversed for at least these reasons.

With respect to Claim 9, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Martin fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database, and wherein the wireless device is a portable computer having a wireless modem. As such, Claim 9 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 9 be reversed for at least these reasons.

**B. Claims 11 and 13-16 are patentable**

Dependent Claims 11 and 13-16 are patentable at least per the patentability of independent Claim 10, from which they depend. As such, Appellants respectfully request that the rejection of dependent Claims 11 and 13-16 be reversed for at least these reasons. However, Appellants submit that several of these dependent claims also contain separate bases of patentability.

For example, with respect to dependent Claim 11, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or

suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database. As such, Claim 11 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 11 be reversed for at least these reasons.

With respect to Claim 13, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database, wherein the message is communicated to the WAP enabled wireless device via a gateway in communication with the wireless subscriber account server and WAP enabled wireless device, and wherein the gateway includes a push proxy. As such, Claim 13 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in

combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 13 be reversed for at least these reasons.

With respect to Claim 14, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account when the credit card account exceeds a predetermined amount; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 14 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 14 be reversed for at least these reasons.

With respect to Claim 15, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon non-receipt of a credit payment; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 15 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 15 be reversed for at least these reasons.

With respect to Claim 16, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest receiving an alert from

a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon the credit card account's designation as past due; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 16 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack, alone or in combination, for at least this additional reason. Appellants respectfully request that the rejection of dependent Claim 16 be reversed for at least these reasons.

### **3. The Rejection of Claim 17**

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Hudda, Chavez, Dutta, Official Notice (Martin), and Warmack. Dependent Claim 17 is patentable at least per the patentability of independent Claim 10, from which it depends. As such, Appellants respectfully request that the rejection of dependent Claim 17 be reversed for at least these reasons. However, Appellants submit that dependent Claim 17 also contains separate bases of patentability.

For example, the combination of Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon suspension of the credit card account; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 17 is patentable over Campbell, Hudda, Chavez, Dutta, Official Notice, and Warmack for at least this additional reason. Appellants

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respectfully request that the rejection of dependent Claim 17 be reversed for at least these reasons.

**Conclusion**

In light of the above discussion, Appellants submit that pending Claims 1, 2, 6-11, and 13-18 are patentable over the cited references and, therefore, request reversal of the rejections of those claims and passing of the application to issue.

Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

Respectfully submitted,

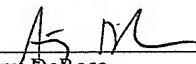


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4) to the U.S. Patent and Trademark Office on **November 19, 2009**.

  
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Anthony DeRosa



## APPENDIX A – CLAIMS

1. (Previously Presented) A credit alert system, comprising:

a wireless subscriber account server for receiving a credit card alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account, wherein the credit card alert is unsolicited by the person associated with the credit card account;

a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information;

an application module in communication with the wireless subscriber account server for comparing information contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert from the credit card account database; and

a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends the message to the wireless device of the subscriber using an available mobile network service.

2. (Original) The system of claim 1, wherein the wireless device is Wireless Application Protocol (WAP) enabled.

3. (Cancelled)

4. (Cancelled)

5. (Cancelled)

6. (Previously Presented) The system of claim 1, wherein the wireless device is a wireless telephone.

7. (Previously Presented) The system of claim 1, wherein the wireless device is a personal digital assistant.

8. (Previously Presented) The system of claim 1, wherein the wireless device is a pager.

9. (Previously Presented) The system of claim 1, wherein the wireless device is a portable computer having a wireless modem.

10. (Previously Presented) A method for alerting a wireless device regarding a credit card account, the method comprising:

receiving a credit card alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account, wherein the credit card alert is unsolicited by the person associated with the credit card account;

matching the alert to a wireless subscriber's account by comparing information contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database;

generating a message relating to the credit card account; and

pushing the message to the wireless device of the wireless subscriber via a WAP enabled push proxy gateway that sends the message using an available network service.

11. (Previously Presented) The method of claim 10, wherein the wireless device is Wireless Application Protocol (WAP) enabled.

12. (Cancelled)

13. (Previously Presented) The method of claim 10, wherein the message is a WAP push initiator.

14. (Previously Presented) The method of claim 13, wherein the message is transmitted when the credit card account exceeds a predetermined amount.

15. (Previously Presented) The method of claim 13, wherein the message is transmitted upon non-receipt of a credit payment.

16. (Previously Presented) The method of claim 13, wherein the message is transmitted when the credit card account is past due.

17. (Previously Presented) The method of claim 13, wherein the message is transmitted upon suspension of the credit card account.

18. (Previously Presented) A system for alerting a wireless device regarding a credit card account, comprising:

means for receiving a credit card alert from a credit card account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account, wherein the credit card alert is unsolicited by the person associated with the credit card account;

means for matching the unsolicited credit card alert to a wireless subscriber's account;

means for generating a message relating to the credit card account; and

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means for pushing the message to the wireless device of the wireless subscriber via a WAP enabled push proxy gateway that sends the message using an available network service.

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**APPENDIX B – EVIDENCE APPENDIX**  
**(NONE)**

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**APPENDIX C – RELATED PROCEEDINGS**  
**(NONE)**